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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,152	07/11/2005	Par Markusson	38244	1382
116 7590 07/26/2007 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER ELEY, TIMOTHY V	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,152

Applicant(s)

MARKUSSON, PAR

Examiner

Timothy V. Eley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 1-3 is withdrawn in view of the references to Silvey(3,779,103) and Sieradzki(4,679,358).

Rejections based on the newly cited reference follow. The indicated allowability of claims 4-13 is withdrawn in view of the 35 U.S.C. 112 1st paragraph rejection.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- "cooperating means"(claim 4, line 6) is not disclosed in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 4-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and/or use the invention.

- In claim 4, applicant recites "cooperating means" between the guide and the carriage, and "rotatable means" provided to abut the guide in order to establish a rolling contact when the carriage is displaced relative to the guide. Since the cooperating means is not disclosed in the specification, it is not readily apparent as to whether the cooperating means are or are not the rotatable means.

Claim Rejections - 35 USC § 103

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silvey(3,779,103) in view of Sieradzki(4,679,358).

- Silvey discloses a method for grinding a saw chain, comprising the steps of; clamping the saw chain in a position suitable for grinding, manually transferring a rotating grinding disc(88) from an inactive position to an active position, and effecting grinding of a cutter link of the saw chain when the grinding disc has assumed an active position, wherein the transfer of the grinding disc from an inactive position to an active position is effected by means of a rectilinear movement of the centre of rotation of the grinding disc. See figures 1-4, column 3, lines 31-42, and 5, lines 5-24.
- Silvey does not disclose that the rectilinear movement is carried out by rolling contact between a supporting means and a guide.

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- However, Sieradzki discloses a grinding disc that is movable from an inactive position to an active position by rolling contact between a supporting means and a guide. See figures 1 and 2, and column 2, lines 19-26.
- Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Silvey by carrying out the rectilinear movement of the grinding disc by providing rolling contact between a supporting means and a guide, as taught by Sieradzki in order to provide easier movement of the grinding disc.
- Regarding claim 3, Silvey does not disclose that the manual transfer of the grinding disc from an inactive to an active position generates a clamping of the saw chain. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically clamp the saw chain when the grinding disc is brought to the active position since merely automating a previously manually operated function is well within the skill of an ordinary artisan, and since applicant has not recited any particular structure that provides any advantage over the prior art.

Conclusion

6. Claims 4-13 have not been further treated on the merits since they are not fully understood.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V. Eley

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whose telephone number is 571-272-4506. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy V. Eley/
Timothy V Eley
Primary Examiner
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